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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,571	01/24/2002	Michael Maguire	P 0290479 DKT. 12NP	3445

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EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,571

Applicant(s)

MAGUIRE, MICHAEL

Examiner

Ula C. Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) 30, 35 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 25, 29, 31-34, 36, 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 25, 2005, has been entered.
2. The Examiner has carefully considered Applicant's amendment and accompanying remarks filed July 25, 2005. All rejections have been maintained.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restriction

4. Claims 30, 35, and 38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: in the office action mailed July 8, 2003, an election of species was sent out. There were two species: Specie 1, drawn to a metal woven mesh, and Specie 2, drawn to a synthetic woven mesh. Therefore, because Applicant elected Specie 1, the newly added claims that are drawn to synthetic filaments are considered independent or distinct from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the

merits. Accordingly, claims 30, 35, and 38 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

It should be noted that these claims have not yet been withdrawn from the present invention.

Claim Rejections - 35 USC § 102

5. Claims 33, 34, 36, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sicard (US 3,674,154). Sicard discloses a filtration apparatus. The filtering member comprises a woven wire mesh (i.e. a metal mesh) wherein the layers are bonded together by brazing or sintering or welding (col 1, ln 55-65). It should be noted that a screen inherently has a first plurality of filaments extending in a first direction and a second plurality of filaments extending in a second direction. Furthermore, because Sicard discloses a second mesh layer (col 1, ln 60-63) or an "outer layer," the Examiner is equating the outer perforated metal layer to the first and second reinforcing structure of the present invention.

Regarding Applicant's present amendment, it is the Examiner's position that Sicard's second mesh layer, which inherently has filaments extending in a first and second direction, meets Applicant's limitation of reinforcing filaments in a first and second direction.

Rejection is maintained.

6. Claims 25, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mutzenberg et al. (US 4,250,172). Mutzenberg et al. disclose fibrous mat structure having filtration

functions (col 2, ln 65-68). The fibrous mat comprises layers of textile fibers, part of which are unwoven (col 2, ln 25-26). There is a mechanical interlocking or intertwinement of the fibers from the various layers which constitutes a mechanical link between all layers which result in a mechanically stable mat. The fibers comprise metallic fibers (col 2, ln 59-63). It is possible to add to one or more of the layers, a layer of a woven fabric or "scrim" which yields a higher tear strength than if all nonwovens are used (col 2, ln 49-56). Therefore, it is the Examiner's position that because Mutzenberg discloses adding one or more layers of scrim material, this anticipates Applicant's disclosure of a woven screen having woven reinforcing filaments. Furthermore, it should be noted that the Examiner is equating Mutzenberg's disclosure of intertwinement of the fibers of the various layers to Applicant's disclosure of the reinforcing filaments being woven with the woven first and second plurality of filaments.

Regarding Applicant's present amendment, it is the Examiner's position that Mutzenberg's second mesh layer, which inherently has filaments extending in a first and second direction, meets Applicant's limitation of reinforcing filaments in a first and second direction.

Rejection is maintained.

Claim Rejections - 35 USC § 103

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mutzenberg et al. (US 4,250,172), as shown above, in view of Sicard (US 3,674,154). Mutzenberg et al. disclose the claimed invention except for the teaching that the first and second reinforcing filaments are metal wires of a heavier gauge than the metal wires of the first and second plurality of filaments.

Sicard discloses filtration apparatus that comprises an inner screen made of a woven wire mesh (i.e. a metal mesh) (col 1, ln 55-59). Sicard also discloses a supporting outer layer of coarser and stronger perforated metal (col 1, ln 60-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used Sicard's teaching of a screen comprising coarser and stronger metal (i.e. heavier gauge) on the fibrous mat of Mutzenberg et al., motivated by the desire to create a fibrous filtration mat that is mechanically strong.

Rejection is maintained.

Response to Arguments

8. Applicant's arguments filed July 25, 2005, have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that the material of Sicard and Mutzenberg et al. are secured in only one direction because Sicard discloses welding along longitudinal seams and because the seams of Mutzenberg extend only in direction. These arguments are not persuasive because the material of Sicard has an outer mesh layer which inherently extends in a first and second direction. Furthermore, the reinforcing element of Mutzenberg is scrim which also inherently extends in at least two directions. A scrim/mesh is defined as having filaments extending in at least two directions. Therefore, all rejections have been maintained.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR *UCR*

Ula Ruddock
Ula C. Ruddock
Primary Examiner
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